



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
September 12, 2005**

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19-05

PW:pw

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Monday, September 12, 2005, at 9:14 a.m., there were present:

- Chairman Gerald E. Connolly, presiding
- Supervisor Sharon Bulova, Braddock District
- Supervisor Joan M. DuBois, Dranesville District
- Supervisor Michael Frey, Sully District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Catherine M. Hudgins, Hunter Mill District
- Supervisor Gerald W. Hyland, Mount Vernon District
- Supervisor Dana Kauffman, Lee District
- Supervisor Elaine McConnell, Springfield District
- Supervisor Linda Q. Smyth, Providence District

Others present during the meeting were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant to the County Executive; Regina Thorn Corbett, Assistant to the County Executive; Nancy Vehrs, Clerk to the Board of Supervisors; and Patti M. Hicks, Deputy Clerk to the Board of Supervisors.

BOARD MATTER1. **MOMENT OF SILENCE** (9:14 a.m.)

Chairman Connolly asked everyone to keep in thoughts not only the families of the victims of September 11, 2001, but the people in Gulf Coast region suffering after the destruction caused by Hurricane Katrina.

Supervisor DuBois asked everyone to keep in thoughts the family of Noah Belton, who died at the age of 17. He was diagnosed with a rare disease called Alexander Disease at the age of 4½. Because of him there is now the permanent Orphan Drug Tax Credit, which funds research for rare diseases.

Supervisor DuBois asked everyone to keep in thoughts the family of the late Mr. Jack Smoot, developer of Salona Village in McLean, one of the earlier shopping centers, and a McLean resident since 1927.

Supervisor DuBois asked everyone to keep in thoughts the family of Mr. Lub Stamenich, age 26, a former Langley High School and University of Virginia football star who died of leukemia two weeks after being diagnosed.

Chairman Connolly asked everyone to keep in thoughts the family of Ms. Karen Marquez who recently died from a lymphoma-related disease.

Supervisor Hudgins asked everyone to keep in thoughts the family of Mr. Ed Brazill who died recently. Mr. Brazill was an advocate for persons with mental illness.

(NOTE: Later in the meeting, the Board discussed Hurricane Katrina and took action. See Clerk's Summary Items CL#5 and CL#26.)

AGENDA ITEMS2. **CERTIFICATE OF RECOGNITION PRESENTED TO CITIZENS AND BUSINESSES** (9:16 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Certificate of Recognition presented to citizens and businesses who have made properties for training available to County public safety workers. Supervisor Hyland and Supervisor McConnell jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

3. **CERTIFICATE OF RECOGNITION PRESENTED TO HEROES OF THE
TIMBER LANE FIRE (PROVIDENCE DISTRICT)** (9:21 a.m.)

Supervisor Smyth moved approval of the Certificate of Recognition presented to the first responders and heroes for their actions during the Timber Lane fire incident which helped bring the residents to safety as well as helped them rebuild their lives. Supervisor Gross seconded the motion and it carried by unanimous vote.

ADDITIONAL BOARD MATTER

4. **WELCOME BACK TO MASTER POLICE OFFICER (MPO) LEE P.
NORTHROP** (9:29 a.m.)

Chairman Connolly announced that MPO Lee Northrop, who provides security for the Board and the public during its meetings, is back to work.

AGENDA ITEMS

5. **PROCLAMATION DESIGNATING THE MONTH OF SEPTEMBER 2005
AS “FAIRFAX PREPARES MONTH” IN FAIRFAX COUNTY** (9:29 a.m.)

(NOTE: Earlier in the meeting, the Board acknowledged the victims of Hurricane Katrina on the Gulf Coast. See Clerk’s Summary Item CL#1.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate the month of September 2005 as “*Fairfax Prepares Month*” in Fairfax County. Supervisor McConnell seconded the motion and it carried by unanimous vote.

A brief discussion ensued regarding preparing emergency supply kits.

Supervisor Hudgins recognized the presence of the parents of Mr. Donald Smith who are from New Orleans, and warmly welcomed them to the Board Auditorium.

Supervisor Gross noted that the Mason District Town meeting will be held on September 29, 2005, at 7 p.m. at the Mason District Governmental Center and the theme is emergency preparedness. The meeting is open to the public and there will be more information on the emergency supply kits.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

(NOTE: Later in the meeting, the board took action regarding preparedness. See Clerk’s Summary Item CL#26).

6. **RESOLUTION CONGRATULATING FLINT HILL ELEMENTARY SCHOOL (HUNTER MILL DISTRICT)** (9:48 a.m.)

Supervisor Hudgins moved approval of the Resolution to congratulate Flint Hill Elementary School on the occasion of its fiftieth anniversary. Chairman Connolly seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

7. **PROCLAMATION DESIGNATING SEPTEMBER 15 – OCTOBER 15, 2005, AS “HISPANIC HERITAGE MONTH” IN FAIRFAX COUNTY** (9:56 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate September 15 – October 15, 2005, as “*Hispanic Heritage Month*” in Fairfax County. Supervisor Hyland and Supervisor McConnell jointly seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor Frey being out of the room.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

8. **RESOLUTION CONGRATULATING SAINT CHRISTOPHER’S EPISCOPAL CHURCH (SPRINGFIELD DISTRICT)** (10:04 a.m.)

Supervisor Kauffman moved approval of the Resolution to congratulate Saint Christopher’s Episcopal Church on the occasion of its fiftieth anniversary. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

9. **PROCLAMATION DESIGNATING OCTOBER 3-9, 2005, AS “MENTAL ILLNESS AWARENESS WEEK” IN FAIRFAX COUNTY** (10:11 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate October 3-9, 2005, as “*Mental Illness Awareness Week*” in Fairfax County. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Smyth being out of the room.

Discussion ensued regarding the Mental Illness Awareness Event being held at the Fairview Marriott starting at 9:30 a.m. on Friday, September 30, 2005. Chairman Connolly asked unanimous consent that the Board direct staff to publicize this information on Channel 16. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

10. **RESOLUTION TO COMMEND MS. VIVIAN WATKINS FOR HER COMMITMENT TO INDIVIDUALS WITH DISABILITIES** (10:19 a.m.)

Supervisor Hudgins moved approval of the Resolution to commend and thank Ms. Vivian Watkins for her noteworthy advocacy and exemplary service on behalf of individuals with disabilities in Fairfax County. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room.

NV:nv

11. **10 A.M. – PUBLIC HEARING ON THE COUNTY AND SCHOOLS' FISCAL YEAR (FY) 2005 CARRYOVER REVIEW TO AMEND THE APPROPRIATION LEVEL IN THE FY 2006 REVISED BUDGET PLAN**

AND

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO AMEND THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE) TO INCREASE THE INCOME AND ASSET ELIGIBILITY REQUIREMENTS FOR REAL PROPERTY TAX RELIEF TO CERTAIN ELDERLY AND DISABLED PERSONS

(10:22 a.m.)

(SAR) (BACs)

(FPR) (O)(A) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of August 24 and September 1, 2005.

Susan Datta, Director, Department of Management and Budget, made a brief presentation of the County and Schools' FY 2005 Carryover Review.

Following the testimony of Eleanor Weck (Speaker 17), discussion ensued, with input from Ms. Datta, regarding bond funds for sidewalk, trail, and bicycle connections. Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to provide information to Ms. Weck regarding these funds and their allocation. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Following the testimony of Ralph Wills, Chair, Soccer Council, and President, Chantilly Youth (Speaker 28), Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to investigate the situation regarding the protection of fields and conflict resolution. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

The public hearing was held with testimony presented by 30 speakers on the following subjects: athletic fields and fees, after school programs for middle school students, real estate tax relief, salary supplements for local State employees, funding to enhance bicycle transportation, funding for a youth employment center, additional transportation funding, and day laborers.

Supervisor DuBois submitted an item for the record.

Supervisor Hyland recognized the presence of members of the Lorton Arts Foundation Board of Directors and warmly welcomed them to the Board Auditorium.

Supervisor Bulova and Chairman Connolly submitted items for the record.

Supervisor Bulova presented the Budget Chair's proposal for the FY 2005 Carryover Review, including a review of each Consideration Item, and discussion ensued, with input from Ms. Datta and Tom Biesadny, staff, Department of Transportation.

With regard to funding for the Dulles Corridor Rail Association, Supervisor Hudgins asked unanimous consent that the Board direct the County Executive to work with the Economic Development Authority in an effort to support the request. Following discussion, without objection, it was so ordered.

Following further discussion of the Consideration Items, Supervisor Bulova moved approval of the Carryover package including Supplemental Appropriation Resolution (SAR) AS 06014 and Amendment to the Fiscal Planning Resolution (FPR) AS 06900 with changes as detailed in Attachment A to the Budget Chair's Board Motions dated September 12, 2005, including administrative adjustments, with changes as noted, the establishment of reserves as outlined, the recommended consideration items (Attachment B of the Budget Chair's Board Motions dated September 12, 2005), and adjustments to the Managed Reserve to maintain the reserve at two percent of total disbursements based on actions taken by the Board as part of the Carryover Review. Supervisor Hyland seconded the motion.

Discussion ensued regarding the day laborer issue.

Supervisor Bulova clarified that, pursuant to discussion prior to the motion, it included direction to staff to begin the groundwork for the Wiehle Avenue/Reston Transportation Study, in preparation for its funding at the FY 2006 Third Quarter Review.

The question was called on the motion, as clarified, and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE."

Supervisor Bulova moved approval of an increase in the compensation for the Board of Equalization (BOE) from \$125 per meeting to \$200 per meeting as requested by the BOE and discussed in the August 22, 2005, memorandum to the Board. The cost of this adjustment is \$20,250, which can be accommodated within the Department of Tax Administration's current appropriation. The adjustment will address recruitment and retention issues and is more in line with the preparation and meeting requirements of the BOE members. Supervisor Hyland seconded the motion.

Supervisor Kauffman asked to amend the motion to direct the County Executive to work with the Board to find a better response to how to encompass the request for clear information on the assessment process toward a goal of reducing the number of appeals heard by the BOE, and this was accepted.

The question was called on the motion, as amended, and it carried by a unanimous vote.

Supervisor Bulova called the Board's attention to Admin 2 - Authorization to Advertise a Public Hearing to Amend the Code Of The County of Fairfax, Chapter 4 (Taxation And Finance) to Increase the Income and Asset Eligibility Requirements for Real Property Tax Relief to Certain Elderly And Disabled Persons and moved approval which authorizes the advertisement of changes to the County's Tax Relief for Elderly and Disabled Residents. These changes would extend real estate tax relief to the state authorized maximum level for assets and income. The public hearing on the required Code amendments will be scheduled on October 17, 2005. Supervisor Hyland seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE."

In acknowledging receipt of the Sheriff's recent memorandum on the Market Pay Study, Supervisor Bulova said that it is important to note that the Board takes seriously issues of recruitment and retention in the Sheriff's Department. County citizens rely on Sheriff Deputies as a cornerstone of public safety in the County, especially as it relates to jail security.

Therefore, Supervisor Bulova moved that the Board direct the:

- County Executive to begin immediate reviews with the Sheriff on the issue of competitive compensation and its impact on recruitment and retention and that the County Executive present his recommendations to the Board on this issue in the context of the FY 2007 Budget.

- County Executive and staff to provide information and recommendations as part of a future meeting of the Board's Budget Committee.

Supervisor Hyland seconded the motion.

Supervisor Kauffman asked to amend the motion to direct staff to include a review of the position requirements for those employees providing jail security, and this was accepted.

Following a brief discussion regarding Sheriff Deputies, the question was called on the motion, as amended, which carried by unanimous vote.

Mementos from New Orleans

Supervisor Bulova called the Board's attention to some mementos that she had distributed to each Member. She purchased them in New Orleans when she vacationed in that city in early August. She stressed the importance of local government and preparedness.

Following comments regarding easing the burden of taxes on low income homeowners and offering grants, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff, during the next budget cycle, to report with how such a proposal might work, how it is working elsewhere, its cost, and mechanisms for implementation. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

With regard to the proliferation of "McMansions" in older neighborhoods and their effect on real estate values and taxes, Supervisor McConnell asked unanimous consent that the Board refer this issue to the Board's Legislative Committee for review for possible tax relief. Without objection, it was so ordered.

With reference to the testimony of Kieran Sharpe, President, Partnership for Youth (Speaker 11), and the request for funding for expansion of the youth employment centers ("Job Huts"), Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to include \$500,000 for expansion of these centers in the FY 2007 Budget Consideration Items. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

(NOTE: Later in the meeting, the Board addressed some issues raised during this public hearing. See Clerk's Summary Items CL#45 and CL#65.)

12. **ADMINISTRATIVE ITEMS** (12:57 p.m.)

Supervisor Gross moved approval of the Administrative Items with the exception of Admin 2 which was previously approved. The second to the motion was inaudible.

Supervisor Smyth asked unanimous consent that Admin 8 – Authorization to Advertise a Public Hearing on a Spot Blight Abatement Ordinance for 7159 Barry Road (Lee District) be pulled for consideration during closed session. Without objection, it was so ordered.

Supervisor Gross called the Board's attention to Admin 1 – Board of Supervisors' Meeting Schedule for Calendar Year 2006 and discussion ensued concerning alternative meeting dates.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to modify the calendar to schedule a Board meeting on July 31, 2006, rather than August 7, 2006. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

The question was called on the motion, as amended, and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE."

ADMIN 1 – BOARD OF SUPERVISORS' MEETING SCHEDULE FOR CALENDAR YEAR 2006

(NOTE: Earlier in the meeting, action was taken on this item. See above.)

Adopted the meeting schedule for January through December, 2006, as amended.

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO AMEND THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE) TO INCREASE THE INCOME AND ASSET ELIGIBILITY REQUIREMENTS FOR REAL PROPERTY TAX RELIEF TO CERTAIN ELDERLY AND DISABLED PERSONS

(NOTE: Earlier in the meeting, action was taken on this item. See Clerk's Summary Item CL#12.)

ADMIN 3 – EXTENSION OF REVIEW PERIODS FOR PUBLIC FACILITY (2232) REVIEW APPLICATIONS (DRANESVILLE, HUNTER MILL, MOUNT VERNON, AND SPRINGFIELD DISTRICTS)

Authorized the extension of the review periods for the following Public Facility (2232) Review Applications:

- Application 2232-V05-18 to November 12, 2005
- Application FA-H05-23 to November 17, 2005
- Applications 2232-S05-15 and 456A-D89-27-1 to February 28, 2006

ADMIN 4 – INSTALLATION OF A MULTI-WAY STOP AT HILLBROOK DRIVE AND CINDY LANE AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (MASON DISTRICT)

Endorsed the installation of multi-way stop(s) at the following intersection and that the Virginia Department of Transportation be requested to install the necessary signs at the earliest possible date:

- Hillbrook Drive and Cindy Lane

ADMIN 5 – RESOLUTION FOR ENDORSEMENT OF MEMORIAL STREET AND LENCLAIR STREET TO BE CONSIDERED FOR CUT-THROUGH MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (LEE DISTRICT)

(Rs)

- Adopted the Resolutions endorsing the following streets to be considered for cut-through measures as part of R-TAP:
 - Memorial Street (between Richmond Highway and South Kings Highway)
 - Lenclair Street (between Memorial Street and South Kings Highway)
- Directed staff to request the Virginia Department of Transportation to develop cut-through plans in conjunction with each community, as soon as possible.

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED TRANSPORTATION ENHANCEMENT PROGRAM PROJECTS

- (A) Authorized the advertisement and posting of a notice of intent to conduct a public hearing to be held before the Board on **September 26, 2005, at 4 p.m.** to solicit comments and input on proposed Fiscal Year 2006 Transportation Enhancement Projects.

ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 4900 COLUMBIA ROAD (MASON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **September 12, 2005, at 4 p.m.** to consider adoption of a Spot Blight Abatement Ordinance for 4900 Columbia Road, Tax Map Number 071-4((10))-0040-B.

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSED AMENDMENT TO THE PUBLIC FACILITIES MANUAL REGARDING NATURAL DRAINAGE DIVIDES

(NOTE: Earlier in the meeting, the Board deferred consideration of this item. See page #9.)

(NOTE: Later in the meeting, action was taken on this item. See Clerk's Summary Item CL#47.)

ADMIN 9 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE CREATION/ENLARGEMENT/DE-CREATION/RE-CREATION OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE/RECYCLING, AND/OR LEAF COLLECTION SERVICE (DRANESVILLE, MASON, AND PROVIDENCE DISTRICTS)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 17, 2005, at 4:30 p.m.** to consider the following changes to small and local sanitary districts for refuse/recycling and/or leaf collection service in accordance with the Board's adopted criteria for the Creation/Enlargement/Withdrawal of Small or Local Sanitary Districts as follows:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Small District 12 Within Dranesville District (Montour Drive)	Create 27 Units	Leaf	Approve
Small District 13 Within Dranesville District (Elnido Estates Area)	Create 58 Units	Refuse and Recycling	Approve

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Small District 6 Within Small District (Lawton Street Area)	Enlarge 2 Unit	Refuse and Recycling	Approve
Local District 1A2 Within Small District 1 within Dranesville District (Treeline)	Enlarge 27 Units	Refuse and Recycling	Approve
Small District 4 within Dranesville District (Susquehannock Street Area)	Enlarge 27 Units	Refuse and Recycling	Approve

**ADMIN 10 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR)
AS 06025 FOR THE FAIRFAX COUNTY FIRE AND RESCUE
DEPARTMENT (FCRD) TO ACCEPT A DEPARTMENT OF
HOMELAND SECURITY URBAN AREAS SECURITY INITIATIVE
GRANT PROGRAM SUPPLEMENTAL AWARD FROM THE DISTRICT
OF COLUMBIA OFFICE OF DEPUTY MAYOR FOR PUBLIC SAFETY
AND JUSTICE**

(SAR) Approved SAR AS 06025 in the amount of \$1,136,643 to purchase 250 radios for the establishment of a third radio cache. There is no local cash match or in-kind match required.

13. **A-1 – PROPOSED FEDERAL CAPITAL IMPROVEMENTS PROGRAM –
NATIONAL CAPITAL REGION, FISCAL YEARS 2006 - 2011** (1:01 p.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and endorse the preliminary comments previously submitted by the County Executive and contained in Attachment I of the Board Agenda Item as the official County comment to be forwarded to the National Capital Planning Commission. The letter provides County endorsement of proposed federal projects at Great Falls Park and Wolf Trap's Filene Center, but states that the County cannot provide any specific endorsement for Fort Belvoir projects until full project information and details are received and additional roadway and transit commitments identified. The letter also provides County support of the Dulles Corridor Rapid Transit Project which is listed in the Federal Capital Improvements Program as a project recommended for future funding. Supervisor Hyland seconded the motion.

Supervisor Kauffman read an excerpt from a commentary by Colonel Lauritzen, the new Garrison Commander at Fort Belvoir, from the *Belvoir Eagle* concerning

the issue of traffic congestion that will be faced upon the implementation of the Belvoir Base Realignment and Closure mission.

The question was called on the motion, and it carried by unanimous vote.

Supervisor Kauffman submitted an item for the record.

14. **A-2 – AUTHORIZATION TO USE ROUTE 28 TAX DISTRICT FUNDING FOR DESIGN OF FOUR INTERCHANGES** (1:03 p.m.)

On motion of Supervisor Frey, seconded by Supervisor Gross, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the request by the Route 28 Tax District Commission to use \$1.5 million of the Route 28 Project Completion fund for ten percent design of the last four interchanges authorized under the Route 28 Highway Transportation Improvements District agreements.

15. **A-3 – AUTHORIZATION TO PUBLISH DELINQUENT REAL ESTATE, PERSONAL PROPERTY, AND BUSINESS, PROFESSIONAL, AND OCCUPATIONAL LICENSES DELINQUENCY LIST FOR TAX YEAR 2004 (FISCAL YEAR 2005)** (1:04 p.m.)

Supervisor Kauffman moved that the Board concur in the recommendation of staff and authorize staff to publish lists of delinquent real estate, personal property, and business, professional and occupational license taxes and to continue to collect the delinquent taxes until the expiration of the applicable statute of limitations. Supervisor Bulova seconded the motion and it **CARRIED** by a recorded vote of nine, Chairman Connolly voting “NAY.”

16. **A-4 – APPROVAL OF CONDITIONS NECESSARY FOR THE COUNTY TO APPLY FOR AND ACCEPT A JOB ACCESS/REVERSE COMMUTE GRANT FOR THE RICHMOND HIGHWAY PUBLIC TRANSPORTATION INITIATIVE (LEE AND MOUNT VERNON DISTRICTS)** (1:04 p.m.)

On motion of Supervisor Kauffman, seconded by Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and:

- Approved an amendment to the County’s agreement with the Economic Development Authority (EDA), specifically related to labor protection requirements associated with Federal Transit Administration (FTA) grants also known as the 1990 Fairfax County/EDA, Park-and-Ride Lots Arrangements as contained in Attachment I of the Board Agenda Item for the projects to be funded by this grant; and ask the EDA to approve the amendment at its next meeting.

- Authorized the Department of Transportation to apply for and accept funding, if received, from the Job Access/Reverse Commute (JARC) grant for Richmond Highway Transit Improvements. The total funding of \$3,170,146 consists of \$1,585,073 in JARC funding and a required 50 percent Local Cash Match of \$1,585,073. The local cash match requirement will be met using \$500,000 in general obligation bonds approved by the voters for transportation purposes and \$1,085,073 in funds available in the anticipated local cash match reserve in Fund 102, Federal/State Grant Fund.
- Agreed to FTA and Federal Highway Administration requirement regarding regional Intelligent Transportation System architecture integration.
- Authorized the County Executive to execute an agreement for the JARC funds.
- Authorized staff to take all necessary measures to ensure County compliance with the conditions of the JARC grant.

17. **A-5 – AMENDED PARKING REDUCTION FOR TYSON’S CORNER CENTER (THE MALL) (PROVIDENCE DISTRICT)** (1:05 p.m.)

Following a query from Supervisor Smyth, Richard Hayes, Engineer II, Code Analysis Division, Department of Public Works and Environmental Services, provided additional information concerning seating counts and the parking allocation.

Supervisor Smyth moved that the Board concur in the recommendation of staff and approve amending the July 21, 2003, approval by revising Condition 1, Condition 2, and additional proposed Conditions 12 and 13 pursuant to paragraph 4(B), Section 11-102 of the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), based on a determination that the proposed changes are consistent with the July 21, 2003, approval as outlined in the Board Agenda Item. Supervisor DuBois seconded the motion and it carried by unanimous vote.

18. **I-1 – PLANNING COMMISSION ACTION ON PUBLIC FACILITIES APPLICATION 2232-P05-9, APC REALTY AND EQUIPMENT COMPANY, LLC/SPRINT PCS (PROVIDENCE DISTRICT)** (1:10 p.m.)

The Board next considered an item contained in the Board Agenda dated September 12, 2005, announcing Planning Commission approval of Public Facilities Application 2232-P05-9.

19. **I-2 – COUNTY HOLIDAY SCHEDULE – CALENDAR YEAR 2006**
(1:11 p.m.)

The Board next considered an item contained in the Board Agenda dated September 12, 2005, requesting authorization to approve the holiday schedule for calendar year 2006.

The staff was directed administratively to proceed as proposed.

20. **I-3 – RECOGNITION OF COMPREHENSIVE ANNUAL FINANCIAL REPORTS (CAFR) AND ANNUAL BUDGET BY THE GOVERNMENT FINANCE OFFICERS ASSOCIATION (GFOA), PERFORMANCE MEASUREMENT PROGRAM BY THE INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION, AND INVESTMENT POLICY BY THE ASSOCIATION OF PUBLIC TREASURERS** (1:11 p.m.)

The Board next considered an item contained in the Board Agenda dated September 12, 2005, announcing that the County's CAFR, the Countywide document, as well as the CAFR for the County's Integrated Sewer System, and the Annual Budget have been recognized by GFOA for excellence in financial reporting and budgeting.

Chairman Connolly noted that, once again, the County was recognized as among the best in the country.

21. **I-4 – CONTRACT AWARD – CONTRACT FOR ARCHITECTURAL/ENGINEERING DESIGN SERVICES FOR POLICE STATION FEASIBILITY STUDIES (DRANESVILLE, HUNTER MILL, AND SULLY DISTRICTS)** (1:11 p.m.)

The Board next considered an item contained in the Board Agenda dated September 12, 2005, requesting authorization for staff to award a contract to PSA-Dewberry in the amount of \$217,540 for consultant services to provide architectural engineering conceptual design for Police Station Expansion and Renovation within Project 009484, Prioritized Feasibility Studies, in Fund 303, County Construction.

Supervisor Kauffman noted that there were significant challenges facing the officers at the Franconia Governmental Center and it was expected that there would be an increase in the number of officers operating out of that facility, further reducing the space available to them. Therefore, he asked unanimous consent that the Board direct staff to review potential contract issues for reviewing designs and modifications for the Franconia Governmental Center. Without objection, it was so ordered.

22. **I-5 – CONTRACT AWARD - CONTRACT FOR ARCHITECTURAL/ENGINEERING DESIGN SERVICES FOR THE GREGORY DRIVE TREATMENT FACILITY PROJECT (LEE DISTRICT)** (1:12 p.m.)

The Board next considered an item contained in the Board Agenda dated September 12, 2005, requesting authorization for staff to award a contract to Architecture, Incorporated in the amount of \$459,182 for consultant services to provide architectural and engineering design services for Project 04A002, Gregory Drive Treatment Facility, in Fund 311, County Bond Construction.

The staff was directed administratively to proceed as proposed.

23. **I-6 – AN ANALYSIS OF THE PARTNERSHIP BETWEEN THE CAREER AND VOLUNTEER FIRE DEPARTMENTS(VFD)** (1:12 p.m.)

The Board next considered an item contained in the Board Agenda dated September 12, 2005, requesting authorization for the Fire and Rescue Department to continue to analyze the recommendations, evaluate feedback, develop a plan to implement those recommendations accepted by the Senior Steering Group, and keep the board advised on regular basis regarding the review of the role of, and the County's relationship with, the VFD with the primary purpose of recognizing and reinforcing the VFD function and reporting recommendations to accomplish this objective.

Supervisor Kauffman asked unanimous consent that the Board direct staff to:

- Clarify the mechanisms in place for retiring volunteer fire department stations, as well as other mechanisms in place for reinvigorating these departments.
- Provide a bulleted recapturing of the 32 recommendations at the conclusion of the report.

Without objection, it was so ordered.

24. **I-7 - CONTRACT AWARD – LAKE ACCOTINK DREDGING (BRADDOCK AND MASON DISTRICTS)** (1:14 p.m.)

The Board next considered an item contained in the Memorandum to the Board dated September 12, 2005, requesting authorization for staff to award a contract to Mobile Dredging and Pumping Company (MDP) in the amount of \$7,249,948.50, upon the acquisition of required access letters of permission, for the Lake Accotink Dredging Project to fund the associated contingency and administrative costs. The project consists of hydraulic dredging of 161,000 cubic yards of sediment from Lake Accotink, construction of a three-mile pipeline to carry the dredge material to another site for disposal, and other related items.

The staff was directed administratively to proceed as proposed.

25. **ORDERS OF THE DAY** (1:14 p.m.)

Chairman Connolly announced that the Board would forego all Board Matters until later in the day with the exception of a joint Board Matter by Supervisor Hudgins and Chairman Connolly relating to Hurricane Katrina.

ADDITIONAL BOARD MATTERS

NV:nv

26. **HURRICANE KATRINA: "FAIRFAX FAMILIES CARE"** (1:15 p.m.)

Jointly with Supervisor Hudgins, Chairman Connolly presented a Board Matter regarding assistance for the victims of Hurricane Katrina and distributed copies. He noted that the County had already mobilized to send elements of its Urban Search and Rescue Team to the Gulf Coast, and that the County is affected as a community as evacuees have found their way here. He listed ways that County schools, universities, departments, faith organizations, and other non-profit organizations have been affected and are providing assistance. He noted that hundreds of County citizens have indicated a willingness to open their homes to receive families affected by the hurricane.

Chairman Connolly announced that a regional coalition of government, schools, PTAs, business, nonprofit and nongovernmental has come together to produce a plan to provide support to those who were evacuated from their homes due to Hurricane Katrina and have found their way to the County. The plan, "Fairfax Families Care," was developed by more than four dozen representatives from public, private, and nonprofit organizations. Participants included members of Board of Supervisors and School Board, County and school staff, the Fairfax County Council of PTAs, the Fairfax County Chamber of Commerce, the Cappies, the Fairfax-Falls Church Red Cross, Apartment and Office Building Association of Metropolitan Washington (AOBA), the Salvation Army, Volunteer Fairfax, the Council on Homelessness, the Economic Development Authority, the Northern Virginia Workforce Investment Board, the Northern Virginia Family Services, the Inova Health System, Herndon Dulles Chamber, and the Northern Virginia Community College, among many others. The group will work to leverage resources to provide long term assistance to those touched by the tragedy of Katrina.

Chairman Connolly said that "Fairfax Families Care" is working with community partners in the public and private sectors to identify additional opportunities to reach out to those in need. This second phase, the recovery phase, will match Katrina evacuees with jobs and housing and provide room in County Schools, an approach which will make the difference between survival and moving forward. Fairfax Families Care hopes to match people with 200 jobs and 100 long term

housing situations and accommodate more than 400 children in the Fairfax School System.

Chairman Connolly announced that a website has been established to link both consumers and contributors to the resources available through “Fairfax Families Care.” The website is www.fxfc.org.

Chairman Connolly noted the generosity of business and organizations in the plan to help those in need. To fund this effort to help the new neighbors and to facilitate an outlet for generosity that will build upon the important first response assistance provided by the American Red Cross and other disaster relief organizations, donations will be accepted through the Northern Virginia Community Foundation (NVCF). Checks should be made out to “**NVCF, Fairfax Families Care Fund**” and sent to Northern Virginia Community Foundation, 8283 Greensboro Drive, McLean, Virginia 22102. Accordingly, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to publicize this information on Channel 16. Without objection, it was so ordered.

Also, Chairman Connolly announced that a fundraiser produced by the Cappies, The Katrina Aid Show, an all-student, all-star showcase of performers from 23 high schools in Northern Virginia, Maryland, and the District of Columbia, will take place at 7:30 p.m. on Saturday, September 24, at Hayfield Secondary School, 7630 Telegraph Road, Alexandria, Virginia. For tickets, please call 703-924-4759. Chairman Connolly asked unanimous consent that the Board direct staff to publicize this information on Channel 16. Without objection, it was so ordered.

Chairman Connolly asserted that it is essential to identify specific communities of need to assist in the personal planning process. It is critical that basic preparedness alternatives and evacuation plans exist for senior, immigrant, and less able populations in anticipation of a man-made or natural disaster. The Redevelopment and Housing Authority (RHA) and the Department of Housing and Community Development (HCD) are primary in serving many from these populations. The County must work with its regional partners to guarantee that all of its neighboring jurisdictions have good communications in place with each other and especially with FEMA and the federal government that will ensure an efficient, rapid response should the need arise. In the County alone, it is estimated that there are 14,000 households without personal vehicles.

Therefore, jointly with Supervisor Hudgins, Chairman Connolly moved the Board:

- Direct that the County continue to work tirelessly to aid the victims of Hurricane Katrina.
- Endorse “Fairfax Families Care” in that effort.

- Direct the Office of Public Affairs to issue a media release announcing the formation of the “Fairfax Families Care” plan.
- Direct the County Executive to undertake a thorough review of the state of the County’s emergency planning and readiness, including issues surrounding housing in conjunction with the RHA, HCD, and non-profit providers, to ensure that the plan is comprehensive and includes the needs of ALL residents, as well as with other regional partners in emergency preparedness and report to the Board no later than October 17, 2005.

Supervisor Hudgins seconded the motion.

Discussion ensued regarding the importance of communications, transportation needs for those residents without cars, and availability of County services, including mental health, and ways to publicize that information to those affected.

Supervisor Hudgins asked to amend the motion to send a letter, under the Chairman’s signature, to the Congressional Delegation representing Fairfax County requesting immediate funds to be made available for additional housing vouchers, and this was accepted.

Supervisor McConnell asked to amend the motion to incorporate in the emergency planning and readiness the complete evacuation plan for the area. She noted that this would include rail, bus, deployment areas and available roads, and that the County Parkway must be completed. This was accepted.

Following discussion regarding the coordination for people seeking housing, Chairman Connolly noted that those persons should be referred to the Fairfax Families Care website.

Discussion ensued, with input from Anthony H. Griffin, County Executive, regarding stress on firefighters in the New Orleans area and a way that County fire and police volunteers could provide support, evacuation efforts in the County during Hurricane Isabel, efforts to educate and encourage residents to prepare for emergencies and have three days worth of supplies, efforts to utilize faith organizations to encourage preparedness, the availability of “Z-packs” with critical emergency information, and outreach efforts to the population segment that cannot prepare for emergencies.

Chairman Connolly asked unanimous consent that the Board direct staff to prepare a “traveling road show” on emergency preparedness for presentation at civic association meetings. Without objection, it was so ordered.

The question was called on the motion, as amended, which carried by unanimous vote.

27. **RECESS/CLOSED SESSION** (1:50 p.m.)

Supervisor Gross moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in *Virginia Code* Section 2.2-3711 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
 - 1. Authorization for the County Executive to Execute a Deed of Subdivision, Dedication and Easement and to Grant Utility Easements and Other Necessary Rights of Way in Connection with HUD Grants to Replace Birmingham Green Adult Care Residence, Inc., the Existing Adult Care Residence at Manassas, Virginia
 - 2. *Fernando Baltazar Muniz v. Fairfax County Police Department*, U.S.D.C. Case No. 1:05CV466 (E.D. Va.)
 - 3. *David S. Bennett v. Fairfax County, Virginia*, C.A. No. 1:05CV250 (E.D. Va.)
 - 4. Civil Service Commission Decision in the Grievance Appeal of Timothy Korab
 - 5. Application of Elantic Telecom, Inc., Case No. PST-2004-00046 (Virginia State Corporation Commission) (Countywide)
 - 6. *Board of Supervisors, et al. v. Board of Zoning Appeals, et al.*, Record No. 051269 (Va. Sup. Ct.) (Mason District)

7. *Board of Supervisors of Fairfax County, Virginia, and William E. Shoup, Fairfax County Zoning Administrator v. Board of Zoning Appeals of Fairfax County, Virginia, and Androula Demetriou*, At Law No. CL-2005-0000362 (Fx. Co. Cir. Ct.) (Mount Vernon District)
8. *William E. Shoup, Fairfax County Zoning Administrator v. Dolores L. Lewis*, In Chancery No. CH-2003-0181989 (Fx. Co. Cir. Ct.) (Dranesville District)
9. *William E. Shoup, Fairfax County Zoning Administrator v. Arita Marie Cruz*, In Chancery No. CH-2005-0191103 (Fx. Co. Cir. Ct.) (Dranesville District)
10. *William E. Shoup, Fairfax County Zoning Administrator v. Peter Komtzamanys*, In Chancery No. CH-2004-0190140 (Fx. Co. Cir. Ct.) (Sully District)
11. *William E. Shoup, Fairfax County Zoning Administrator v. Ronald E. Jerro*, In Chancery No. CH-2004-0192143 (Fx. Co. Cir. Ct.) (Dranesville District)
12. *William E. Shoup, Fairfax County Zoning Administrator v. Adam G. Love and Sofia K. Love*, In Chancery No. CH-2005-0004711 (Fx. Co. Cir. Ct.) (Mason District)
13. *Board of Supervisors v. Fairfax Golf Club, LLC*, At Law No. CL-2005-0002677 (Fx. Co. Cir. Ct.) (Sully District)
14. *William E. Shoup, Fairfax County Zoning Administrator v. Timothy L. Hockenberry, et al.*, In Chancery No. CH-2005-0001301 (Fx. Co. Cir. Ct.) (Providence District)
15. *William E. Shoup, Fairfax County Zoning Administrator v. Juan M. Rocha and Sarah M. Rocha*, In Chancery No. CH-2005-0001217 (Fx. Co. Cir. Ct.) (Mason District)

16. *William E. Shoup, Fairfax County Zoning Administrator v. Hunter Jenkins*, In Chancery No. CH-2005-0001149 (Fx. Co. Cir. Ct.) (Mount Vernon District)
17. *Jane W. Gwinn, Fairfax County Zoning Administrator v. William R. White, et al.*, In Chancery No. CH-1999-0161689 (Fx. Co. Cir. Ct.) (Mount Vernon District)
18. *William E. Shoup, Fairfax County Zoning Administrator v. Jenny O. Nguyen*, In Chancery No. CH-2005-0002927 (Fx. Co. Cir. Ct.) (Providence District)
19. *William E. Shoup, Fairfax County Zoning Administrator v. Carville J. Cross, Jr.*, In Chancery No. CH-2005-0002810 (Fx. Co. Cir. Ct.) (Providence District)
20. *William E. Shoup, Fairfax County Zoning Administrator v. Lancaster Landscapes, Inc., Earl R. Simpson, and Dale G. Simpson*, In Chancery No. CH-2005-0003549 (Fx. Co. Cir. Ct.) (Providence District)
21. *William E. Shoup, Fairfax County Zoning Administrator v. Efrain G. Sandoval and Waldina D.M. Rodriguez*, In Chancery No. CH-2005-0003835 (Fx. Co. Cir. Ct.) (Providence District)
22. *William E. Shoup, Fairfax County Zoning Administrator v. Thuy T. Trinh and Think V. Luong*, In Chancery No. CH-2005-0003530 (Fx. Co. Cir. Ct.) (Mason District)
23. *William E. Shoup, Fairfax County Zoning Administrator v. Vincent A. Tramonte, Louise Ann Curuthers, Robert C. Tramonte, A. Michael Tramonte, and Silvio Diana*, In Chancery No. CH-2005-0003362 (Fx. Co. Cir. Ct.) (Lee District)
24. *William E. Shoup, Fairfax County Zoning Administrator v. Silvio Diana*, In Chancery No.

CH-2005-0003463 (Fx. Co. Cir. Ct.) (Lee District)

25. *William E. Shoup, Fairfax County Zoning Administrator v. Rosa A. Torres and Jose A. Morales*, In Chancery No. CH-2005-0003484 (Fx. Co. Cir. Ct.) (Sully District)
26. *William E. Shoup, Fairfax County Zoning Administrator v. Oscar Rivera*, In Chancery No. CH-2005-0003485 (Fx. Co. Cir. Ct.) (Sully District)
27. *William E. Shoup, Fairfax County Zoning Administrator v. Robert W. Clark*, In Chancery No. CH-2005-0003579 (Fx. Co. Cir. Ct.) (Mount Vernon District)
28. *Board of Supervisors v. Commerce Executive VI, L.P.*, At Law No. CL-2005-0005185 (Fx. Co. Cir. Ct.) (Hunter Mill District)
29. *Board of Supervisors v. Country Developers, Inc.*, At Law No. CL-2005-0005236 (Fx. Co. Cir. Ct.) (Dranesville District)
30. *Board of Supervisors of Fairfax County, Virginia v. Gunston Associates, L.L.C., et al.*, At Law No. CL-2005-0004708 (Fx. Co. Cir. Ct.) (Mount Vernon District)
31. *Board of Supervisors of Fairfax County, Virginia v. Mar-Chek II, Inc., et al.*, At Law No. CL-2005-0004213 (Fx. Co. Cir. Ct.) (Mount Vernon District)
32. *Board of Supervisors of Fairfax County, Virginia v. Whitestone Homes, Inc., et al.*, At Law No. CL-2005-0004711 (Fx. Co. Cir. Ct.) (Braddock District)
33. *Board of Supervisors v. Church Street Group Limited Partnership, et al.*, At Law No. CL-2004-0223957 (Fx. Co. Cir. Ct.) (Hunter Mill District)

And in addition:

- Health Department employees who are grandfathered members of the Virginia Retirement System.
- *Fairfax County Women Firefighters' Association, et al, versus Fairfax County, Virginia, et al.*
- *Kelo versus City of New London.*
- Proposed amendment to the Public Facilities Manual regarding natural drainage divides.
- Legal matters relating to the County's sewer policy.
- Legal matters relating to 800 MHz Rebanding.

Chairman Connolly seconded the motion, which carried by unanimous vote.

DET:det

At 4:30 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Connolly presiding.

ACTIONS FROM CLOSED SESSION

28. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:31 p.m.)

Supervisor Bulova moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor Hyland seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE."

29. **FEDERALLY-MANDATED REALLOCATIONS OF RADIO FREQUENCIES** (4:31 p.m.)

Supervisor Smyth stated that on August 1, 2004, the Federal Communications Commission (FCC) approved a plan to reassign a number of radio frequencies used by Nextel Communications, Incorporated, and by many local governments, including the County. By that action, and by several subsequent actions, the FCC has directed that certain radio licensees, including the County, enter into

mandatory negotiations with Nextel for those frequency changes. By FCC order, Nextel is required to pay all reasonable costs of this transition, and the negotiations between Nextel and localities are intended to provide agreements that will provide local governments and others with comparable facilities that will provide the same levels of service. Also, by FCC order, the County is supposed to begin mandatory negotiations with Nextel for such an agreement beginning on September 27, 2005. Those negotiations are supposed to go forward under the supervision of a Transition Administrator, a private consortium that was selected for this task by the FCC.

Unfortunately, that schedule poses two significant problems. First, based on the radio frequencies used by various licensees, the FCC has assigned different jurisdictions in the Washington area different time schedules to begin negotiations with Nextel for this transition. That is expected to pose disruptions and complications to regional radio interoperability functions that are now available to fire and police responders. Second, the County will need to update thousands of radios to use new frequencies, and the software needed to facilitate smooth frequency changes is not yet available from the vendor.

The County is one of several jurisdictions in the region that are affected by these changes, and if the County is required to move forward on the present FCC schedule, then important regional radio interoperability functions will be compromised or even lost, and the costs and complexity of such a multi-phased approach will be much higher.

Supervisor Smyth moved that the Board authorize staff to contact the Transition Administrator and the FCC and to file such petitions and legal actions as may be necessary to delay the negotiations for frequency changes so that:

- The emergency responders in the Washington area will be negotiating and changing radio frequencies at the same time.
- This change will be made when appropriate software is available from the vendor to facilitate the changeover to new frequencies.

Supervisor Bulova seconded the motion and it carried by unanimous vote.

30. **EMPLOYEES IN THE COUNTY HEALTH DEPARTMENT WHO ARE GRANDFATHERED MEMBERS OF THE VIRGINIA RETIREMENT SYSTEM** (4:34 p.m.)

Supervisor Gross noted that the Virginia General Assembly in its 1994 session passed a bill authorizing the transfer of the Fairfax County Health Department from the State Department of Health to the County. This transfer was implemented by a contract between the Board and the State Health Department in 1995.

Under the 1994 legislation and the 1995 contract, the State employees in the County Health Department were transferred from State service to County service. However, the legislation mandated that those employees remain in the Virginia Retirement System (VRS). The intent of the bill was to preserve the pre-existing retirement benefits of those employees. In addition, the contract preserved certain State benefits for these employees after their transfer to County service, including the payment of a portion of their accrued sick leave on separation from employment and the payment of their employee contribution into the VRS by the County. However, there are differences between the benefits provided under the VRS and those provided under the Fairfax County Employees' Retirement System.

In recent years, a number of the transferred employees have expressed dissatisfaction with the differences in retirement benefits. These issues have been extensively discussed and studied over the past few months by staff, the Board, and these employees. Based upon those discussions, staff has prepared the following recommendations, which are satisfactory to the employees, and that will finally resolve those concerns.

Therefore, Supervisor Gross moved that the Board direct staff to do the following:

- That when a transferred employee retires from the VRS, at his or her option, and upon signing a release of all claims arising out of or on account of the 1995 transfer and of his or her right under the 1995 contract to be paid for his or her accrued sick leave upon separation, the Human Resources Director shall determine the number of accrued sick leave hours the employee has and purchase from the VRS for the employee the number of months of service credit in VRS equal to the number of hours of accrued sick leave divided by 172.
- That if a transferred employee retires, is eligible to, and continues his County health plan upon retirement, and executes a release of all claims arising out of or on account of the 1995 transfer, the County will pay the employee the difference between the monthly health coverage credit provided under VRS and the monthly health coverage subsidy the County provides to retirees under the County's retirement systems. For the purpose of determining the amount of the subsidy employee would receive if he or she was a retiree from one of the County retirement systems, he or she will be credited with his or her service as a County employee since 1995 and his or her prior service in the County Health Department as a State employee. This benefit will also be provided to those transferred employees who have already retired and who are participating in a County health plan.

- That the staff shall provide the Board with a draft bill for its legislative program for the 2006 Virginia General Assembly to amend the 1994 Act, in two respects. First, that a transferred employee's membership in VRS shall continue so long as he or she continues to be employed by the County. Second, that when a transferred employee becomes eligible for normal service retirement under VRS, he or she may elect to retire under VRS and draw his or her retirement allowance, regardless of whether he or she continues to be employed by the County, and if he or she is continuing his or her employment with the County, he or she shall have the further option to become a contributing member of the County retirement system covering his or her current position, effective as of the date of his or her retirement under VRS.
- That the Director of Human Resources, the County Attorney, and other staff take action expeditiously to promulgate the necessary policies and procedures to implement these actions. In the event that the draft bill becomes law, staff shall make any further changes to such policies and procedures, to include providing options with respect to the use of accrued sick leave for service credit under either VRS or a County retirement system.

Supervisor Gross further moved that the Board appropriate the funds necessary to implement these actions as part of the Board's third quarter review.

Supervisor Smyth seconded the motion and it carried by unanimous vote.

31. **UTILITY EASEMENTS IN CONNECTION WITH DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HUD) GRANTS TO REPLACE BIRMINGHAM GREEN** (4:40 p.m.)

Supervisor Hudgins moved that the Board authorize the County Executive to execute a Deed of Subdivision, Dedication and Easement and to grant utility easements and other necessary rights of way in connection with HUD grants to replace Birmingham Green, as outlined by the County Attorney in closed session. Supervisor Frey seconded the motion and it carried by unanimous vote.

AGENDA ITEMS

PW:pw

32. **3 P.M. – BOARD DECISION ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 87-P-052-02/FINAL DEVELOPMENT PLAN AMENDMENT APPLICATION FDPA 87-P-052-02 (EYA DEVELOPMENT, INCORPORATED) (SPRINGFIELD DISTRICT)**

AND

BOARD DECISION ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 84-P-007-03/FINAL DEVELOPMENT PLAN AMENDMENT APPLICATION FDPA 84-P-007-03 (EYA DEVELOPMENT, INCORPORATED) (SPRINGFIELD DISTRICT)
(4:40 p.m.)

(NOTE: On July 25, 2005, the Board held a public hearing on these items and deferred decision until August 1, 2005. On August 1, 2005, the Board deferred decision on these items until September 12, 2005.)

Supervisor McConnell moved:

- Approval of Proffered Condition Amendment Application PCA 84-P-007-03, subject to the proffers dated July 14, 2005.
- Approval of Proffered Condition Amendment Application PCA 87-P-052-02, subject to the proffers dated July 14, 2005.
- Modification of the use limitations for the PDC District to permit the gross floor area of residential uses to exceed 50 percent of the principal uses in the PDC District to permit 322,000 square feet of residential uses including affordable dwelling units.
- Waiver of the 600 foot maximum length requirement for private streets.
- Waiver of the 200 square foot privacy yard requirement for the single family attached units.
- Modification of the loading space requirement to permit one loading space for the multifamily building.

The second to this motion was indistinguishable.

Discussion ensued with input from Kris Abrahamson, Chief, Rezoning and Special Exception Branch, Zoning Evaluation Division, Department of Planning and Zoning, regarding staff recommendations on design features.

The question was called on the motion and it **CARRIED** by a recorded vote of six, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor McConnell, and Chairman Connolly voting "AYE," Supervisor Bulova abstaining, Supervisor Hyland, Supervisor Kauffman, and Supervisor Smyth being out of the room.

On July 14, 2005, the Planning Commission also approved the following:

- Final Development Plan Amendment Application FDPA 84-P-007-03, subject to the development conditions dated July 13, 2005.
- Final Development Plan Amendment Application FDPA 87-P-052-02, subject to the development conditions dated July 13, 2005.

33. **3 P.M. – PH ON REZONING APPLICATION RZ 2004-SP-002 (SAM H. CHUNG AND SONG H. CHUNG) (SPRINGFIELD DISTRICT)** (4:45 p.m.)

- (O) The application property is located on the northeast corner of the intersection of Lee Highway and Stevenson Street, Tax Map 56-1 ((3)) 14 and 15.

Mr. Neville Simon reaffirmed the validity of the affidavit for the record.

Mr. Simon had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Tracy Swagler, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor McConnell moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2004-SP-002, from the R-1 and C-8 Districts to the R-12 District, subject to the proffers dated August 25, 2005.
- Waiver of the minimum district size requirement and modification of the transitional screening requirement along the western boundary in favor of that shown on the Generalized Development Plan.

Supervisor Frey seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Hyland, Supervisor Kauffman being out of the room.

34. **3 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 95-Y-033 (FRED G. GARRISON AND KATHY A. GARRISON) (SULLY DISTRICT) (4:49 p.m.)**

The application property is located on the south side of Lee Highway approximately 700 feet east of its intersection with Pickwick Road, Tax Map 54-4 ((1)) 109.

Mr. Ken Sanders reaffirmed the validity of the affidavit for the record.

Supervisor McConnell disclosed the following:

- Land Design Consultants, Incorporated, and Supervisor McConnell have a business relationship; however, the business relationship is not related to any party of this application.

Mr. Sanders had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Tracy Swagler, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Frey moved:

- Approval of Proffered Condition Amendment Application PCA 95-Y-033, subject to the proffers dated September 12, 2005.
- Modification of the transitional screening requirement along all property boundaries and waiver of the barrier requirement along the northern property boundary, in favor of that shown on the Generalized Development Plan.

Supervisor Hudgins seconded the motion and it carried by a vote of eight, Supervisor Hyland and Supervisor Kauffman being out of the room.

35. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2004-PR-024 (ANTHONY DEVELOPMENT LIMITED) (PROVIDENCE DISTRICT)**
(5:02 p.m.)

- (O) The application property is located on the west side of Old Centreville Road, approximately 500 feet south of its intersection with Centrewood Drive, Tax Map 65-1 ((1)) 15 and 16.

Mr. Roger Bohr reaffirmed the validity of the affidavit for the record.

Mr. Roger Bohr had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, which included testimony by one speaker, Regina Coyle, Chief, Rezoning and Special Exception Branch, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Smyth moved:

- Denial of Rezoning Application RZ 2004-PR-024 from the R-1 District to the PDH-4 District.
- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2002-PR-024, from the R-1 District to the R-3, subject to the proffers dated July 26, 2005.

Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor Hyland and Supervisor Kauffman being out of the room.

ADDITIONAL ACTION FROM CLOSED SESSION

36. **AMENDMENT TO PARAGRAPH B-2 OF THE COUNTY’S STATEMENT OF POLICY REGARDING SEWAGE DISPOSAL** (5 p.m.)

- (P) Supervisor McConnell stated that under the County’s Sewer Policy, the Department of Public Works and Environmental Services does not allow ejector pumps in the basements of buildings constructed in the so-called 400-Foot Rule Area. Supervisor McConnell said that the Policy should be amended to allow ejector pumps under limited circumstances.

Therefore, Supervisor McConnell moved that the Board amend paragraph B-2 of the County's Statement of Policy Regarding Sewage Disposal by adding a sentence at the end of Paragraph B-2. The new sentence will read as follows:

“Notwithstanding the above, an ejector pump may be used to pump sewage from one basement level in a structure to a gravity-flow lateral line, provided that the other floor(s) of the structure are served by a gravity-flow lateral line and the ejector pump is used to pump the sewage to such gravity-flow lateral line.”

Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Hyland and Supervisor Kauffman being out of the room.

AGENDA ITEMS

37. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 01-L-024 (KINGSTOWNE TOWNE CENTER, LP) (LEE DISTRICT) (5:02 p.m.)**

The application property is located within the Kingstowne Towne Center in the northwest quadrant of Kingstowne Boulevard and Kingstowne Village Parkway, Tax Map 91-2 ((1)) 36G, 36H pt. and 36I.

Ms. Erika Byrd reaffirmed the validity of the affidavit for the record.

Ms. Byrd had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Following the public hearing, Peter Braham, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Kauffman moved approval of Special Exception Amendment Application SEA 01-L-024, subject to the development conditions dated July 28, 2005. Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor Hyland, and Supervisor McConnell being out of the room.

38. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2003-PR-026 (ELMSTREET DEVELOPMENT, INCORPORATED AND JCE, INCORPORATED) (PROVIDENCE DISTRICT)**

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 76-P-118 (ELM STREET DEVELOPMENT) (PROVIDENCE DISTRICT) (5:08 p.m.)

Supervisor Smyth moved to defer the public hearing on Rezoning Application RZ 2003-PR-026 and Proffered Condition Amendment Application PCA 76-P-118 (“Wedderburn”) until **September 26, 2005, at 4 p.m.** This motion, the second to which was inaudible, carried by a vote of seven, Supervisor Frey, Supervisor Hyland, and Supervisor McConnell being out of the room.

PMH:pmh

39. **4 P.M. – PH ON A PROPOSAL TO VACATE A SEGMENT OF SOUTH RAILROAD STREET (PROVIDENCE DISTRICT)** (5:09 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of August 24 and September 1, 2005.

Donald Stephens, Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Smyth moved adoption of the Ordinance of Vacation for a segment of South Railroad Street. Supervisor Gross seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor DuBois, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor Frey, Supervisor Hyland, and Supervisor McConnell being out of the room.

40. **4 P.M. – PH ON A PROPOSAL TO VACATE LENORE DRIVE AND A SEGMENT OF VIRGINIA DRIVE (MOUNT VERNON DISTRICT)** (5:13 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of August 24 and September 1, 2005.

Donald Stephens, Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, Supervisor Gross moved adoption of the Ordinance of Vacation of Lenore Drive and a segment of Virginia Drive. Supervisor DuBois seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor DuBois, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Frey, Supervisor Hyland, and Supervisor McConnell being out of the room.

41. **4 P.M. – PH TO ESTABLISH THE LANDSDOWNE COMMUNITY PARKING DISTRICT (CPD) (LEE DISTRICT)** (5:15 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of August 24 and September 1, 2005.

Paul Mounier, Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Kauffman moved adoption of the proposed amendment to the Code of the County of Fairfax, Appendix M, to establish the Landsdowne CPD in accordance with existing restrictions. Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor DuBois, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Frey, Supervisor Hyland, and Supervisor McConnell being out of the room.

42. **4 P.M. – PH TO ESTABLISH THE DANBURY FOREST COMMUNITY PARKING DISTRICT (CPD) (BRADDOCK DISTRICT)** (5:18 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of August 24 and September 1, 2005.

Paul Mounier, Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by five speakers, Supervisor Bulova moved adoption of the proposed amendment to the Code of the County of Fairfax, Appendix M, to establish the Danbury Forest CPD in accordance with existing restrictions. Supervisor DuBois seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Frey, Supervisor Hyland, and Supervisor McConnell being out of the room.

43. **4 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF COUNTY ROAD PROJECT – SPRING HILL ROAD (PROVIDENCE DISTRICT)**
(5:40 p.m.)

(R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of August 24 and September 1, 2005.

Lisa Glass, Right-of-Way Agent, Land Acquisition Division, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, Supervisor Smyth moved adoption of the Resolution authorizing the acquisition of the necessary land rights for the construction of Project 064233 – Spring Hill Road, in Fund 304, Primary and Secondary Road Bond Construction. Supervisor DuBois seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor Hudgins, Supervisor Hyland, and Supervisor McConnell being out of the room.

44. **4:30 P.M. – PH ON PROPOSED REVISIONS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), SECTION 3-1, EXPANDING THE MEMBERSHIP OF THE CIVIL SERVICE COMMISSION AND MODIFYING THE EMPLOYEE APPEAL PROCESS** (5:43 p.m.)

(O)
(BACS) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of August 24 and September 1, 2005.

Susan Woodruff, Assistant Director, Department of Human Resources, presented the staff report.

Following the public hearing, which included testimony by four speakers, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Section 3-1, expanding the Civil Service Commission and modifying the employee appeal process. Supervisor Bulova seconded the motion.

Following discussion regarding the panel, the employee appeal process, terms, and with input from David P. Bobzien, County Attorney, and Anthony H. Griffin, County Executive, the question was called on the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor

Smyth, and Chairman Connolly voting “AYE,” Supervisor McConnell being out of the room.

ADDITIONAL BOARD MATTERS

45. **THE COUNTY’S HEPATITIS PREVENTION AND CONTROL PLAN**
(6:12 p.m.)

(BACs) (NOTE: Earlier in the meeting, during Carryover Budget deliberations regarding Consideration Items, the Board discussed funding for hepatitis prevention and control programs. See Clerk’s Summary Item CL#11.)

Chairman Connolly said that June 21, 2004, was observed as “Hepatitis Awareness Day” in Fairfax County. During the Board’s proclamation presentation to the Health Care Advisory Board (HCAB), he asked that it formulate a prevention program and report with recommendations. The HCAB has finished its report and developed six recommendations for the Board. He distributed a copy of this report to Board Members for their review. Additionally, he included a Consideration Item in the Fiscal Year 2005 Carryover Consideration List for those recommendations carrying a fiscal impact. Still, there are recommendations without financial requirements that require Board action.

These recommendations include:

- Expanding Community Education on Viral Hepatitis - These efforts can be incorporated into existing Health Department prevention programs without additional resources. This could also be included as a specific course section in the Fairfax County Public Schools Family Life Education Curriculum.
- Expanding Provider Education on Viral Hepatitis - This recommendation is ongoing through the Inova Juniper Program and existing community resources and can be utilized to provide training to County staff and physicians in the community.
- Improving Countywide Surveillance - This survey could be developed and implemented by the Health Department without additional resources.
- Recommending Support for the Federal Hepatitis C Epidemic Control and Prevention Act - This may be accomplished by working with the Federal delegation to encourage support and endorsement of the Act.
- Facilitating Access to Care - While the County is unable to realistically identify and treat all persons who are chronically

infected with hepatitis C, efforts to increase access to affordable health care in the County need to be redoubled to ensure that all County citizens have a medical home.

Therefore, Chairman Connolly moved that the Board refer the County Hepatitis Prevention and Control Plan to the Virginia Department of Health, the County Health Department, School Board, the Inova Juniper Program, the Adult Detention Center, the Fairfax-Falls Church Community Services Board, and the County's federal legislative liaison for review and action. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

Chairman Connolly asked unanimous consent that the Board direct the County Executive to coordinate this effort and report with his findings and feedback from the parties involved. Without objection, it was so ordered.

46. **YOUTH AT RISK SURVEY HEALTH RISK QUESTIONS** (6:14 p.m.)

Chairman Connolly said that the Youth at Risk Survey is administered in County Public Schools to determine behaviors and trends that might put the County's youth at risk for certain dangers. Through the information collected in this survey, the staff can better educate and prevent many of these potentially tragic consequences. Recently it has been brought to his attention that many seemingly important issues, with regards to personal health, are not included in the survey. He added that it is important that the Board educate the youth about safe personal health decisions that without caution could have life altering ramifications.

Therefore, Chairman Connolly moved that the Board direct staff to explore the inclusion of survey questions pertaining to personal health, including eating disorders, obesity, and sexual behavior, in the Youth at Risk Survey, and report with its findings in January of 2006. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

AGENDA ITEM

47. **ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSED AMENDMENT TO THE PUBLIC FACILITIES MANUAL (PFM) REGARDING NATURAL DRAINAGE DIVIDES** (6:15 p.m.)

(A) (NOTE: Earlier in the meeting, the Board deferred action on this item. See Clerk's Summary Item CL#12.)

Supervisor Frey called the Board's attention to Admin 8 - Authorization to Advertise a Public Hearing on a Proposed Amendment to the PFM Regarding Natural Drainage Divides and moved that the Board authorize the advertisement of a public hearing to be held before the Planning Commission on September 28,

2005, at 8:15 p.m. and before the Board on **October 17, 2005, at 5 p.m.** regarding proposed amendments to the PFM related to natural drainage divides as contained in Attachment A of the Board Agenda Item with the following revisions:

- In subparagraph (d) of Section 6-0202.3A(2), add at the end thereof, after the word site, “to ensure impacts from steep slopes and/or runoff are minimized.”
- Advertise, in addition to Section 6-0202.3A(4) in Attachment A, an alternative Section 6-0202.3A(4) that substitutes the language “crosses a major watershed divide” for “changes the total drainage area.”

Supervisor Gross seconded the motion.

Supervisor Smyth asked to amend the motion to direct the Planning Commission to schedule a public information meeting or adjust its public hearing date to have an informational meeting prior to the public hearing, and this was accepted.

The question was called on the motion, as amended, which carried by a vote of nine, Supervisor McConnell being out of the room.

ADDITIONAL BOARD MATTERS

48. **FIRE PREVENTION WEEK** (6:17 p.m.)

Chairman Connolly asked unanimous consent that the Board proclaim October 9-15, 2005, as “*Fire Prevention Week*” in Fairfax County and direct staff to invite appropriate representatives from the Department of Fire and Rescue to appear before the Board to be presented with the proclamation at the September 26, 2005, Board meeting. Without objection, it was so ordered.

49. **DOMESTIC VIOLENCE AWARENESS MONTH** (6:18 p.m.)

Chairman Connolly said that October is recognized nationally as Domestic Violence Awareness Month. Therefore, he asked unanimous consent that the Board proclaim October 2005 “*Domestic Violence Awareness Month*” in Fairfax County and direct staff to invite appropriate representatives from the Department of Systems Management for Human Services to appear before the Board to be presented with the proclamation at the October 17, 2005, Board meeting. Without objection, it was so ordered.

50. **DISABILITY EMPLOYMENT AWARENESS MONTH** (6:18 p.m.)

Chairman Connolly said that October is celebrated as Disability Employment Awareness Month. Therefore, he asked unanimous consent that the Board proclaim October 2005 “*Disability Employment Awareness Month*” in Fairfax

County and direct staff to invite appropriate representatives from the Office of Equity Programs to appear before the Board to be presented with the proclamation at the October 17, 2005, Board meeting. Without objection, it was so ordered.

51. **2005 STUDENT PRESIDENTIAL ELECTION VOLUNTEERS** (6:18 p.m.)

Chairman Connolly said that each year students from many local high schools participate as presidential election volunteers at election polling precincts. He asked unanimous consent that the Board direct staff to invite each of the student presidential election volunteers to appear before the Board to be recognized with a certificate for their contributions to the operation of the 2005 elections at the December 5, 2005, Board meeting. Without objection, it was so ordered.

(NOTE: Later in the meeting, the Board revisited this item. See the Clerk's Board Summary Item CL#56.)

52. **VOLUNTEERFEST 2005** (6:19 p.m.)

Chairman Connolly said that on Saturday October 22, 2005, Volunteer Fairfax will sponsor its tenth annual VolunteerFest. Therefore, he asked unanimous consent that the Board proclaim October 22, 2005, as "*VolunteerFest Day 2005*" in Fairfax County and direct staff to invite appropriate representatives from Volunteer Fairfax to appear before the Board to be presented with the proclamation at the October 17, 2005, Board meeting. Without objection, it was so ordered.

53. **NATIONAL FOOD SAFETY EDUCATION MONTH** (6:19 p.m.)

Chairman Connolly said September is National Food Safety Month. Accordingly, he asked unanimous consent that the Board proclaim September 2005 "*National Food Safety Education Month*" in Fairfax County and direct staff to invite appropriate representatives from the Health Department to appear before the Board to be presented with the proclamation at the September 26, 2005, Board meeting. Without objection, it was so ordered.

54. **CRIME RATES DROP** (6:20 p.m.)

Chairman Connolly said that the Chief of Police provided Members of the Board with the Police Department's Annual Statistical Report for the calendar year 2004. He noted that serious crimes dropped nearly eight percent from 2003 to 2004. In fact, over the previous ten years, the Police Department has reported a continual decrease in serious crimes. The homicide rate of nine for calendar year 2004 reflects a drop to one of the lowest rates in the past ten years.

Chairman Connolly pointed out that rapes decreased by 41 percent. He credited the "Sexual Assault Free and Empowered" training as one of the factors in this

outstanding reduction. Last year approximately 400 women took advantage of this training.

Chairman Connolly asserted that the Police Department's emphasis on prevention is impressive, and it is paying huge dividends. A safer County is a result of a continual investment in public safety. The Police Department ranks highest in the nation when compared to similar jurisdictions. The officers are nationally and internationally recognized as highly trained, well equipped, and serve as role models for jurisdictions regardless of size. The crime rate is the lowest in 32 years.

Chairman Connolly asked unanimous consent that the Board direct staff to Police Department Public Information Officer to coordinate the release of the crime report with the Office of Public Affairs next year. Without objection, it was so ordered.

A brief discussion ensued regarding publicity of this good news with civic associations and an expression of appreciation to the Police Department and Neighborhood Watch groups.

55. **PUBLICIZING VIRGINIA'S ANTI-PRICE GOUGING ACT** (6:22 p.m.)

Chairman Connolly said that Board Members may have recently received inquiries from their constituents regarding information on price gouging, especially as it relates to gasoline prices. In addition to the terrible toll of human life, property damage and lost jobs in the Gulf Coast region, Hurricane Katrina has also resulted in significantly higher gasoline prices for County residents. While there may be legitimate reasons for the recent, dramatic rise in gasoline prices, the State Attorney General's Office is nonetheless reviewing information on potential gas price gouging to determine if any federal or state anti-competitive laws have been broken.

Chairman Connolly moved that the Board direct the:

- Office of Public Affairs to publicize the information on Virginia's Anti-Price Gouging Act and how to contact the State Attorney General's Office so that Fairfax residents may more easily report instances of suspected price gouging.
- Department of Cable Communications and Consumer Protection to compile a list of the gasoline price gouging complaints that it receives and prepare a report with recommendations for Board review.

Vice-Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

56. **2005 STUDENT PRESIDENTIAL ELECTION VOLUNTEERS** (6:18 p.m.)

(Earlier in the meeting, the Board took action on this item. See Clerk's Board Summary Item CL#51.)

Supervisor DuBois called the Board's attention to Chairman Connolly's Board Matter on Student Presidential Election Volunteer and noted that there is no presidential election this year. Chairman Connolly clarified that the student election volunteers are called Student Presidential Election Volunteers.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

57. **HELP AMERICA VOTE ACT** (6:24 p.m.)

Supervisor Hudgins stated that the federal Help America Vote Act must be fully implemented on a national basis by January 2006. It requires voting equipment in every precinct to meet the needs of all disability communities. To comply with the federal mandate, the Commonwealth of Virginia has certified several types of voting equipment that may be used by individual localities.

To increase community knowledge of the equipment, Supervisor Hudgins asked unanimous consent that the Board:

- Request the Electoral Board staff to develop a plan to provide a printed explanation on the operation and validation of the voting machines for use in the polling places.
- Direct staff to conduct a community awareness campaign for broad dissemination in the media.

Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor McConnell being out of the room.

58. **RESTON MULTICULTURAL FESTIVAL (HUNTER MILL DISTRICT)** (6:25 p.m.)

Supervisor Hudgins announced that Reston Multicultural Festival will be held Saturday, July 17 from 10 a.m. until 5 p.m. at Lake Anne Village in Reston. She invited everyone to attend.

59. **UPDATE ON TRAFFIC SIGNAL ON SILVERBROOK ROAD (MOUNT VERNON DISTRICT)** (6:25 p.m.)

Supervisor Hyland said that in June, staff from the Department of Transportation met with staff from the Virginia Department of Transportation, Marcia Hanson, his ombudsperson and Mount Vernon District School Board Representative Dan Storck to find ways to install a signal light and paint a sidewalk on Silverbrook

Road at the access point of the new South County Secondary School in time for the scheduled grand opening on September 6, 2005.

Supervisor Hyland reported that the work was accomplished in time for the opening, and he congratulated all of the transportation staff involved for their excellent work and commitment to getting the South County Secondary School students safely across the very busy commuter route of Silverbrook Road.

60. **WATERFOWL ORDINANCE PILOT PROGRAM (MOUNT VERNON DISTRICT)** (6:26 p.m.)

Supervisor Hyland said that in 2004, the General Assembly adopted a statute that authorizes localities to prohibit the feeding of migratory and non-migratory waterfowl in any area of the County which, in the opinion of the governing body, is so heavily populated as to make the feeding of such waterfowl a threat to public health or the environment. The locality must post signs to notify the public of the prohibition and must be responsible for enforcement of the ordinance. The Board supported that State legislation.

Supervisor Hyland reported that he has received complaints from a number of constituents about overpopulations of waterfowl, particularly Canada geese and mallard ducks, caused by people feeding these waterfowl in areas around Little Hunting Creek. He proposed that the Board establish a pilot program prohibiting the feeding of such waterfowl in areas around Little Hunting Creek.

Accordingly, Supervisor Hyland moved that the Board direct staff to:

- Provide the Board with information regarding the possible threats Canada geese and mallards pose to public health or the environment so that the Board can make the finding required by the State enabling legislation.
- Prepare a proposed ordinance that would amend the County's animal control ordinance to prohibit the feeding of Canada geese and mallard ducks in areas around Little Hunting Creek.

Supervisor Bulova seconded the motion, which carried by a vote of eight, Supervisor Frey and Supervisor McConnell being out of the room.

61. **DETENTION HEARING LOCATION** (6:28 p.m.)

Supervisor Hyland reported that he received word that at the end of last week Judge Minor of the General District Court ruled that he would be in touch with the Chief Judge to recommend that all detention hearings, conducted to determine whether a person should be committed, will now all be held at Fairfax Hospital. They were formerly held at both Mount Vernon and Fairfax Hospitals, respectively. Supervisor Hyland noted the concern of mental health and human

services staff over the practical transport of the affected individuals. Accordingly, Supervisor Hyland moved that the Board direct staff to prepare and send a letter under the Chairman's signature to communicate with the Chief Judge to raise the question of the efficacy of this change, the resulting practical problems, and the delivery of mental health services to people in the community. He mentioned that there may be a problem with providing counsel at the detention hearing as a reason for Judge Minor's ruling. Supervisor Hudgins seconded the motion.

Following discussion regarding the effect of the travel, the question was called on the motion, which carried by a vote of eight, Supervisor Frey and Supervisor McConnell being out of the room.

62. **DUNN LORING WOODS CIVIC ASSOCIATION CELEBRATES 40 YEARS (PROVIDENCE DISTRICT)** (6:31 p.m.)

Supervisor Smyth said that the Dunn Loring Woods Civic Association is celebrating its fortieth anniversary on Saturday, September 24, 2005, at the Stenwood Elementary School. Accordingly she asked unanimous consent that the Board proclaim Saturday, September 24, 2005, as "*Dunn Loring Woods Day*" in Fairfax County and direct staff to prepare the proclamation that will be read at the celebration, copies of which were distributed to the Board. Supervisor Hudgins seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor McConnell being out of the room.

63. **DEMONSTRATING INNOVATION: A STORM WATER RETROFIT AT THE PROVIDENCE DISTRICT SUPERVISOR'S OFFICE** (6:32 p.m.)

Supervisor Smyth said that this past spring her office was the recipient of a grant from the Virginia Department of Conservation and Recreation (also referred to as the DCR Grant). The purpose of attaining this grant was to complete a highly visible low impact development/best management practice retrofit project in the parking area shared by Fire Station 30 and her office. The project is nearing completion.

Supervisor Smyth noted that the project utilized low impact development techniques to uphold many of the environmental standards as delineated in the Board's 20-Year Environmental Vision Plan. The purpose of the project was to create a working model for residents and County staff to duplicate, partly or wholly, and recreate environmentally friendly designs of their own.

Supervisor Smyth asked unanimous consent that the Board recognize the commitment and dedication of the project team and share a presentation of this project by inviting the team to appear before the Board at the October 17, 2005, meeting.

Following input from Merni Fitzgerald, Director, Office of Public Affairs, regarding the schedule, without objection, it was so ordered.

64. **EXPEDITED AND CONCURRENT PROCESSING CLAUDE MOORE HEALTH EDUCATION CENTER SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 80-P-079-14 (PROVIDENCE DISTRICT)** (6:33 p.m.)

Supervisor Smyth said that she has been informed by representatives of Inova that during the preparation of the final building plans for the proposed Claude Moore Health Education Center on the Inova Fairfax Hospital Campus, it was determined that an additional floor must be added to the building that was approved in November 2004. Planning staff has concluded that this revision necessitates a special exception amendment.

Supervisor Smyth noted that Inova filed Special Exception Amendment Application SEA 80-P-079-14 to address this additional floor. Given the time constraints to commence construction of the Education Center, the requisite site and building plans must be filed and reviewed by the County while the special exception amendment application is being processed.

Therefore, Supervisor Smyth moved that the Board:

- Direct the Department of Planning and Zoning to schedule a public hearing to be held before the Board at the earliest possible date concerning Proffered Condition Amendment Application PCA 80-P-039-09.
- Approve concurrent processing for both the site and building plans for this proposed building while the special exception amendment application is being processed.

Supervisor DuBois seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

(NOTE: Later in the meeting, Supervisor Smyth, provided an additional *notation regarding this application. See Clerk's Board Summary Item CL#66.)

65. **BICYCLE TRANSPORTATION** (6:34 p.m.)

(NOTE: Earlier in the meeting, during the Carryover Budget review, the Board heard testimony regarding bicycling issues. See Clerk's Summary Item CL#11.)

Supervisor Smyth said that in response to a Board Matter she presented on the subject, the County is currently developing a comprehensive Transportation Demand Management Plan (TDM) that can be utilized across the varying areas of the County to mitigate traffic issues. At the start of the development of the Global TDM Plan there was an early recognition of the need to integrate and coordinate the multiple efforts being undertaken to mitigate the effects of traffic. The Global TDM Committee will be coming forward with detailed staffing recommendations during the next budget cycle.

Supervisor Smyth said that during her recent discussions with members of the Fairfax Advocates for Better Bicyclists, it became clear that one component of an effective TDM program bicycle transportation a viable option residents need to be aware that biking is an option and must be able to easily access a well developed network of bike trails. Therefore, there will be a need to allocate a specific proportion of staff time to coordinating the improvement of cycling opportunities in the County as part of the Global TDM Plan.

To ensure that cycling is not overlooked as a transportation option, Supervisor Smyth moved that the Board direct the Department of Transportation to allocate a specific proportion of staff time to the Global TDM Plan recommendations to integrate and coordinate bike transportation. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

66. **OAKTON LIBRARY AUTHORIZATION OF INCLUSION OF COUNTY OWNED PROPERTY IN PROFFERED CONDITION AMENDMENT /FINAL DEVELOPMENT PLAN AMENDMENT APPLICATIONS PCA 2004/FDPA 2004-0335 AND CONCURRENT PROCESSING OF THE PLAN (PROVIDENCE DISTRICT)** (6:35 p.m.)

Supervisor Smyth said announced that the Oakton Library is progressing, with planning having progressed to the point that site plans and zoning applications are ready to be submitted.

Supervisor Smyth moved that the Board:

- Authorize the inclusions of real property owned by the County identified as Tax Map 47-2-((54))- B in the pending submission of Proffered Condition Amendment/Final Development Plan Amendment Applications PCA 2004-0335/FDPA 2004-0335 to facilitate the development of a library on this site.
- Authorize the County Executive to act as the agent of the Board in the submission of Proffered Condition Amendment/Final Development Plan Amendment Applications PCA 2004-0335 /FDPA 2004-0335.
- Approve concurrent processing for both the site plan and the building plans for the proposed library building while the applications are being processed.

Supervisor Smyth noted that this motion does not relieve the applicants from compliance with the provisions of all applicable ordinances, regulations, and adopted standards, and does not prejudice in any way the consideration of the pending review of the applications and that this statement was applicable to the

Inova applications (as outlined in Clerk's Summary Item *CL#64). Supervisor Gross seconded the motion.

Following discussion regarding efforts over the years to facilitate the building of this library as well as the Burke Library, the question was called on the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

67. **BOAT PEOPLE S.O.S. (BPSOS) CELEBRATES 30 YEARS OF THE VIETNAMESE-AMERICAN EXPERIENCE (MASON DISTRICT)** (6:38 p.m.)

Supervisor Gross said that BPSOS (703-323-3000), whose new office location is in Mason District, is celebrating 30 years of the Vietnamese-American experience in the United States, as well as the twenty-fifth anniversary of establishing BPSOS. In coming to US shores at the end of the Vietnam War, Vietnamese refugees brought with them 5000 years of tradition, a vibrant culture, and a rich treasure of personal stories.

BPSOS has documented some of these stories and traditions in a traveling photo exhibit entitled "Cultural Odyssey," which will be at the George Mason Regional Library in Annandale between September 13 and 18, with a community forum scheduled for this Saturday, September 17, from 1:30 p.m. to 3:30 p.m. at the library. The exhibit will be at the Northern Virginia Community College campus in Annandale from September 20 to 27.

Therefore, Supervisor Gross moved that the Board direct the Office of Public Affairs to help publicize the photo exhibit through the County website and other County media. Supervisor Hudgins seconded the motion, which carried by a vote of nine, Supervisor McConnell being out of the room.

68. **MASON DISTRICT PARK FESTIVAL** (6:39 p.m.)

Supervisor Gross announced that the twenty-sixth annual Mason District Park Festival will be held on Saturday, September 24 from 10 a.m. until 4 p.m. at the park located at 6621 Columbia Pike in Annandale. The traditional family festival with an international flair will feature live entertainment on the showmobile stage (Falls Church Concert Band, Bull Run Cloggers, Yarawi Music of the Andes, Latin Soul, Night Music, and Paul Hadfield), craft vendors, children's rides, a free hayride sponsored by Goodwin House Bailey's, and lots of food.

Therefore, Supervisor Gross invited the Chairman, Board Members, and the public to the free festival. She said that it is a wonderful opportunity for families to enjoy a day in the park. She also distributed flyers on the event.

69. **WARNER BAPTIST CHURCH DAY (MASON DISTRICT)** (6:40 p.m.)

Supervisor Gross announced that the Warner Baptist Church in Baileys Crossroads will celebrate the eighty-fifth anniversary of its building in early October. The actual church site has existed since 1881 when Mr. and Mrs. Brainard H. Warner, a white family from Washington, DC, deeded a one-acre parcel of land a gift to the "families who worship together in Bailey's Crossroads." These families had settled in the Baileys area after being freed from slavery. After 39 years of worshipping in the open air under a stand of trees on the site, the congregation laid the cornerstone of the church on August 22, 1920.

Therefore, Supervisor Gross asked unanimous consent that the Board direct staff to prepare for her signature and the Chairman's, a congratulatory certificate of recognition for presentation at one of the church anniversary observances in early October. Without objection, it was so ordered.

70. **MAYORS FROM LEBANON** (6:42 p.m.)

Supervisor Gross said that during the August break, she had the opportunity to meet with four mayors from Lebanon who were visiting the US as part of a legislative study mission sponsored by the Embassy of Lebanon and the State University of New York at Albany. The mayors of Beirut, Tripoli, Saida, and Zahle are talented leaders who are very familiar with the challenges of providing services to the public, the basic responsibility of all local officials, and there was a good discussion comparing service delivery in the County with municipalities in Lebanon.

At the end of the discussion, Beirut Mayor Abdul Mounim Ariss posed the question of needs of the Fire Brigade in Beirut which is seeking assistance with used equipment relevant to public safety. In response to Supervisor Gross' question about costs, the Mayor noted that his government would pay for shipping. His earnest plea prompted her to bring this matter to the Board in an official capacity.

Therefore, Supervisor Gross asked unanimous consent that the Board direct staff to review the Mayor's inquiry and report in a timely manner. Without objection, it was so ordered.

PMH:pmh

71. **REMOVAL OF "NO PARKING" SIGNS ON ADAIR LANE (BRADDOCK DISTRICT)** (6:43 p.m.)

Supervisor Bulova said the Board created a "No Parking" zone on Adair Lane. The restrictions were instituted to deter commuters from parking in this area.

Supervisor Bulova noted that the Ravensworth Farm Civic Association has requested a modification of the parking restriction to remove the existing restriction in front of 8109 Adair Lane. This restriction is causing a hardship to the residents located at the residence. The residents have requested to be removed from the "No Parking" zone, and a petition from the community supports their request.

Therefore, Supervisor Bulova moved that the "No Parking" restriction be removed from the front of 8109 Adair Lane. Supervisor Kauffman seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

72. **LAKE ACCOTINK PARK TO CELEBRATE “RESPONSIBLE DOG OWNERSHIP DAY” SUNDAY, SEPTEMBER 18, 2005 (BRADDOCK DISTRICT)** (6:44 p.m.)

Supervisor Bulova said the American Kennel Club is encouraging communities to hold events during the month of September that will promote responsible dog ownership. In response to this appeal, on Sunday, September 18, from noon to 5 p.m., Lake Accotink Park will be hosting a special day of events, exhibits, and demonstrations, which will be enjoyed by both canines and their human companions.

The festivities will include free health assessments and a rabies clinic sponsored by Companion Animal Hospital, canine games, contests, two “boneyard” hunts, Dog Day Afternoon tour boat rides for dogs and their owners, Newfoundland water rescue demonstrations, a fly ball demonstration, and exhibitors representing rescue groups, dog daycare centers, Just Rewards for Dogs, local 4H clubs, and the County Animal Shelter. Admission is free, except for the tour boat rides. This event will be held, rain or shine, and will be fun for all ages.

Supervisor Bulova moved that the Board direct the Office of Public Affairs to:

- Prepare a proclamation designating September 18, 2005, as “*Responsible Dog Ownership Day*” in Fairfax County, and direct staff to invite representatives from Lake Accotink Park and the Animal Shelter to appear before the Board at a later date to accept this proclamation.
- Promote this event.

Supervisor Frey seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

73. **McLEAN'S 11-12-YEAR-OLDS SOFTBALL ALL-STAR TEAM (DRANESVILLE DISTRICT)** (6:46 p.m.)

Supervisor DuBois said that McLean has gained national attention in the past few weeks thanks to 12 very talented young women and three exceptional coaches. On Thursday, August 18, 2005, McLean's 11-12-year-old softball All-Star team defeated Orange, Connecticut by a score of 6-2 in the final game of the Softball Little League World Series in Portland, Oregon. The Little League Softball World Series tournament began with more than 3,000 teams participating from around the world.

Supervisor DuBois referred to her written Board Matter and outlined the team's accomplishments. A picnic was held in their honor at the Little League complex where each girl received a championship jacket. A parade will also be held in their honor on Saturday, September 17 at 9 a.m., starting at Dolley Madison and Chain Bridge Road and will end near Elm and Beverly Street so the entire community can join in congratulating the team.

Therefore, Supervisor DuBois moved that Board direct staff to invite the members of the McLean Little League 11-12-year-olds All-Star Girls Softball World Series Championship Team and the coaches to appear before the Board on September 26 to recognize this significant accomplishment and to offer congratulations for a job well done. Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

74. **McLEAN HIGH SCHOOL CELEBRATES ITS FIFTIETH ANNIVERSARY (DRANESVILLE DISTRICT)** (6:51 p.m.)

Supervisor DuBois announced that McLean High School students, faculty and staff will be celebrating the school's fiftieth anniversary the weekend of October 21-23. On this Friday, they will host their first golf tournament at Reston National Country Club and in the evening a tailgate party prior to the bonfire that is planned. The school will be open for tours for the community and alumni to enjoy walking down memory lane and to show off the newly renovated facility which was completed last year.

On Saturday tours will continue, followed by the homecoming football game against Stonebridge, from Loudoun County. A gala event with two bands is planned at the Fairview Marriot that evening and will honor alumni, including former faculty and staff. Funds from these events will be earmarked to help support improvements for the athletic department.

In recognition of the event, Supervisor DuBois asked unanimous consent that the Board direct staff to invite representatives of McLean High School; Superintendent Dale; and Janie Strauss, Dranesville District School Board member; to the Board on October 17, 2005, to congratulate them on its fiftieth anniversary. Without objection, it was so ordered.

75. **REQUEST FOR CERTIFICATE OF RECOGNITION FOR MS. KATE ZIEGLER (DRANESVILLE DISTRICT)** (6:52 p.m.)

Supervisor DuBois recognized another talented young athlete in the community. Kate Ziegler, a 17-year-old from Great Falls distinguished herself on the national level. She became one of the top swimmers in the world, recently taking home gold in the 800-meter and the 1500-meter freestyle races at the 2005 World Aquatics Championship in Montreal. With a time of 16:04.34 in the 1500, which is the longest event in the pool, Kate set the third fastest performance in history. In the 800, she came in with a time of 8:25.31 which topped her own personal record. At the US Summer Nationals in Irvine, California, Ms. Ziegler won the 1,500-meter freestyle, the 800-meter freestyle, and was second in the 400-meter freestyle. She also won a silver medal in the 800-meter freestyle at the World Championships in Indianapolis.

Supervisor DuBois said that as part of the US National Team, she recently competed in the "Dual in the Pool" event between the US and Australia in Los Angeles. Locally Ms. Ziegler is a rising senior at Bishop O'Connell High School and has been a Northern Virginia Swimming League athlete and McLean FISH swim team member.

Therefore, Supervisor DuBois asked unanimous consent that the Board direct staff to invite Ms. Ziegler to appear before the Board to be recognized for her outstanding athletic accomplishments. Without objection, it was so ordered.

76. **SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 83-D-095-3 - GREAT FALLS VILLAGE GREEN DAY SCHOOL (DRANESVILLE DISTRICT)** (6:53 p.m.)

Supervisor DuBois said that the Great Falls Village Green Day School is the applicant for Special Exception Amendment Application SEA 83-D-095-3 which would allow the school to increase its enrollment from 225 to 250 students, with no more than 150 students on the site at anyone time. No additions to its building footprint are contemplated.

Supervisor DuBois said that the school has begun the process of working with the Great Falls community and with affected neighbors, and a public hearing before the Planning Commission is now scheduled for October 5, 2005.

To allow the school to enroll some of these students during the fall semester, Supervisor DuBois moved that the Board direct staff to:

- Schedule a public hearing to be held before the Board on October 17, 2005.
- Proceed with concurrent processing of plans for this application.

This motion does not relieve the applicant from compliance with the provisions of any and all applicable ordinances, regulations or adopted standards and does not constitute support by the Board for this application. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

77. **BASHEER/EDGEMOORE-MOUTOUX, LLC – REZONING/FINAL DEVELOPMENT PLAN APPLICATIONS RZ/FDP-2005-DR-006 (DRANESVILLE DISTRICT)** (6:55 p.m.)

- (A) Supervisor DuBois said for over a year, the Basheer/Edgemore-Moutoux, LLC, has been working with local citizens groups and neighboring communities on Rezoning/Final Development Plan Applications RZ/FDP-2005-DR-006. The original public hearing before the Planning Commission was scheduled for September 22, 2005, but has now been rescheduled to September 29 to allow for the resolution of a number of staff and community concerns.

Therefore, Supervisor DuBois moved that the Board authorize staff to schedule a public hearing to be held before the Board on October 17, 2005. This motion does not relieve the applicant from compliance with the provisions of any and all applicable ordinances, regulations, or adopted standards and does not constitute support by the Board for this application. Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

78. **WEST SPRINGFIELD LITTLE LEAGUE CHAMPIONS (SPRINGFIELD DISTRICT)** (6:56 p.m.)

Jointly with Supervisor McConnell, Supervisor Kauffman announced that on July 27 the West Springfield Little League Team of 11-12-year-old players won the State championship by beating York County with a final score of 16-12. The State championship is the second in three years for West Springfield Little league, majors division. These sixth and seventh graders are to be commended for their outstanding performance for a fantastic season that far exceeded everyone's expectations.

Therefore, on behalf of Supervisor McConnell, Supervisor Kauffman asked unanimous consent that the Board direct staff to invite the West Springfield Little League, 2005 Virginia State Champions to appear before the Board to be recognized for its outstanding achievement. Without objection, it was so ordered.

79. **BURGUNDY VILLAGE COMMUNITY CENTER OPERATIONS BOARD (LEE DISTRICT)** (6:57 p.m.)

- (BACs)
(APPTS)

Supervisor Kauffman announced that the Burgundy Village Community Center has conducted a preference poll to select two members to serve on its Operations

Board. In accordance with the results of the preference poll, Supervisor Kauffman moved to confirm the following appointments:

- Ms. Frances Wilkerson – three-year term
- Mr. Gary Griesmyer – three-year term

Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

Supervisor Kauffman said that the Burgundy Village community has made a request through the Burgundy Village Community Center Operations Board to modify its preference poll election process to strengthen continuity in service and to reduce annual recurring costs to the Center. In accordance with these requests, he moved to amend the Burgundy Village Community Center Operations Board bylaws to provide the following:

- Four-year terms for all officers in place of the current three-year terms.
- Election cycle change from annually to every other year with the next election to be held in 2007.
- Extension of terms by one additional year for the board member whose term is to expire in 2006 and for the two board members whose terms are to expire in 2008. The Department of Community and Recreation Services will oversee formally including these changes in the bylaws, and will continue to oversee the election process.

Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

80. **BLUE STAR MEMORIAL HIGHWAYS (LEE AND SPRINGFIELD DISTRICTS)** (6:58 p.m.)

Jointly with Supervisor McConnell, Supervisor Kauffman said that at the June 7 meeting of the Central Springfield Area Revitalization Committee (C-SPARC), the committee unanimously approved a motion to support the Springfield Garden Club proposal to designate Old Keene Mill Road as a Blue Star Memorial Highway. He noted that Blue Star Memorial Highways are a tribute to the armed forces that have defended the US. He referred to his written Board Matter and outlined the history of the Blue Star Memorial Highways.

Supervisor Kauffman said that the National Garden Clubs, Incorporated is the parent organization for Blue Star Memorial Highways. Springfield Acres Garden Club is requesting that Old Keene Mill Road in Springfield, be placed on the Blue

Star Memorial committee's register as a Blue Star Memorial Highway to honor the many military personnel, both retired and active duty, that live in Springfield.

Therefore, Supervisor Kauffman moved that the Board refer this request to the Legislative Committee for review and consideration. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

81. **TOWN MEETING REGARDING BASE REALIGNMENT AND CLOSING (BRAC) (LEE DISTRICT)** (6:59 p.m.)

Supervisor Kauffman announced that on Saturday, September 17 at 12:30 p.m. at the Franconia Governmental Center, State Delegate Mark Sickels will be holding a town meeting to discuss the BRAC proposals. He noted that he will be in attendance and urged interested individuals to attend.

82. **REQUEST FOR CERTIFICATE OF RECOGNITION FOR CAPTAIN JAMES M. CHARRON** (7 p.m.)

On behalf of Supervisor McConnell, Chairman Connolly announced that Captain James M. Charron of the Police Department recently retired after more than 23 years of service to the citizens of the County. He referred to her written Board Matter and outlined his many accomplishments.

Therefore, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that Board recognize Captain Charron for his outstanding contributions to the citizens of the County and forward a certificate signed by the Chairman to Captain Charron's new residence in North Carolina. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

83. **CENTREVILLE HISTORIC DISTRICT (SULLY DISTRICT)** (7:01 p.m.)

Supervisor Frey said that he has convened a work group which is looking at the Comprehensive Plan recommendations relative to the Centreville Historic District. Concurrently this Board has authorized the review of the boundaries of the District.

As a result of the research prepared by staff, it appears that to further the goal of protecting the Civil War-era earthworks and fortifications, it may be necessary to evaluate additional parcels for possible inclusion into the Historic District. As with the properties identified in his previous motions, depending on the outcome of the research being performed by Department of Planning and Zoning (DPZ) staff, he said that these additional properties may or may not be advertised for public hearing for the inclusion into the historic district.

Therefore, Supervisor Frey moved that the Board authorize DPZ staff to study Tax Map Parcels 54-4-((14)) 8 and 9; 54-4-((2)) 2-7, 8A, 9A, and 10-14, inclusive, and 54-4-((16)) A1 and A4 for possible inclusion into the Centreville Historic District. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

84. **CENTREVILLE DAY - WAIVER OF FEES (SULLY DISTRICT)** (7:02 p.m.)

Supervisor Frey said that every year the Centreville Community Foundation sponsors Centreville Day, a family event with the purpose of building community spirit in Centreville. This year the event returns to the Centreville Historic District on Saturday, September 17. The festivities include a parade, a 9-11 Memorial Service, a Taste of Centreville live entertainment, crafters, local businesses, community groups and food vendors, children's activities, and tours of the Historic District.

The Centreville Community Foundation is a non-profit organization and this year the proceeds from the event will go towards restoring the Historic District and other charitable causes.

In the interests of maximizing the benefits from this event, Supervisor Frey moved that the fees for the trash removal be waived. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

Supervisor Frey expressed his appreciation to Department of Facilities Management staff and the Sheriff's community maintenance program for their efforts.

85. **SPECIAL TAX DISTRICT FIVE (SULLY DISTRICT)** (7:04 p.m.)

Supervisor Frey distributed to Board Members a map of Reston, special tax district five. He asked unanimous consent that the Board direct staff to review the map and report as to how the district was created and what are the options for those who would like to be removed from special tax district five. Without objection, it was so ordered.

86. **BOARD ADJOURNMENT** (7:06 p.m.)

The Board adjourned.

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